

**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF VIRGINIA

**NORFOLK/NEWPORT NEWS DIVISION**

Monday, April 16, 2018

**MINUTES OF PROCEEDINGS IN** Open Court

**PRESENT:** THE HONORABLE RAYMOND A. JACKSON, U.S. DISTRICT JUDGE

Deputy Clerk: P. Thompson

Reporter: Janet Collins, OCR

Set: 9:30 a.m.	Started: 9:30 a.m. 1:30 p.m.	Ended: 5:25 p.m. 2:00 p.m.
Case No. 4:17cr45		
<b>United States of America</b>		
v.		
<b>Joseph James Cain Benson, Mark Xavier Wallace, Brian Lamar Brown, and Rosuan Romeo Kindell</b>		
AUSA's Lisa McKeel and Howard Zlotnick appeared on behalf of the Govt.		
Attorney Lawrence Woodward, c/a appeared with defendant Joseph James Cain Benson, in custody.		
Attorney Andrew Sacks, Ret. appeared with defendant Mark Xavier Wallace, in custody.		
Attorney Trey Kelleter, c/a appeared with defendant Bryan Lamar Brown, in custody.		
Attorney Jamison Rasberry, c/a appeared with defendant Rosuan Romeo Kindell, in custody.		
Matter came on for trial by jury (Day #5).		
Petit jurors (12 & 2 alternate) appeared pursuant to adjournment last Friday, 4/13/18.		
Out of the presence of the jury, defendant Benson sworn and Court conducted a Frye Inquiry re: a new plea offer.		
(Lunch Recess: 12:25 p.m. - 2:50 p.m.)		
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Out of the presence of the jury, defendant's objected to testimony of certain witnesses - Court reiterated prior rulings on the record. Court DENIED defendant Kindell's motion for a mistrial.		
Govt continued presentation of evidence - witnesses sworn and testified.		
Exhibits admitted.		
Objections heard and rulings made on the record.		
Stipulations read into the record.		
Government rest.		
Out of the presence of the jury, Court DENIES defendant Brown's motion for a mistrial.		
Out of the presence of the jury, Defendants Benson, Wallace, Brown and Kindell Motion for Judgment of Acquittal Pursuant to Rule 29 - Argued - Court DENIES Motions for reasons stated on the record.		
Out of the presence of the jury, Court advises defendants of their rights re: testifying - defendants will not testify.		
Defendant Benson rest.		
Defendant Wallace rest.		
Defendant Brown presented evidence. Exhibit admitted. Defendant Brown rest.		
Deft Kindell rest.		
Out of the presence of the jury, Court DENIED defendant's Renewed Judgment of Acquittal Pursuant to Rule 29 for reasons previously stated on the record.		
Out of the presence of the jury, Court and counsel conducted charge conference (1:30 - 2:00). Objections to the charge stated on the record.		
Out of the presence of the jury, Court conducted FRYE inquiry of defendant Benson re: new plea offer.		
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Closing arguments begun.

Out of the presence of the jury, defendant Brown motion for mistrial -  
Argued - Court DENIED the motion.

Jurors excused and Court adjourned to return on Tuesday, April 17, 2018 at  
10:00 a.m.

Defendants remanded.